

AMENDED IN ASSEMBLY APRIL 10, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3013

Introduced by Assembly Member Alby

February 23, 1996

An act to add Section 2056.1 to the Business and Professions Code, relating to medicine.

LEGISLATIVE COUNSEL'S DIGEST

AB 3013, as amended, Alby. Physicians and surgeons: patient advice.

Existing law states that it is the public policy of the state that licensed physicians and surgeons be encouraged to advocate for medically appropriate health care, as defined, for their patients. Existing law provides that the application and rendering by any person, as defined, of a decision that penalizes a physician and surgeon principally for advocating for medically appropriate health care, as defined, violates public policy.

This bill would prohibit a health care service plan or its contracting entities ~~to enter into a contract from including provisions in their contracts that interfere with the ability of~~ a physician and surgeon ~~that limits the ethical and legal responsibility of the physician and surgeon to advise~~ *communicate with patients fully about regarding their health care, including, but not limited to, communications regarding treatment options, alternative plans, or other coverage arrangements, or other issues that affect the health care of*

~~patients, if the advice is consistent with the ethical and legal responsibilities of the physician and surgeon. The bill would make any contractual provision inconsistent with this provision void and unenforceable.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2056.1 is added to the Business
2 and Professions Code, to read:

3 ~~2056.1. No health care service plan or its contracting~~
4 ~~entities shall enter into a contract with a physician and~~
5 ~~surgeon that limits the ethical and legal responsibility of~~
6 ~~the physician and surgeon to advise patients fully about~~
7 ~~treatment options, alternative coverage arrangements,~~
8 ~~or other issues that affect the health care of patients, if the~~
9 ~~advice is consistent with the ethical and legal~~
10 ~~responsibilities of the physician and surgeon.~~

11 *2056.1. (a) The purpose of this section is to ensure*
12 *that health care service plans and their contracting*
13 *entities do not enter into contracts with physicians and*
14 *surgeons that interfere with any legal and ethical*
15 *responsibility of physicians and surgeons to discuss with*
16 *their patients information relevant to a patient's health*
17 *care, and the legal right of the patients to receive that*
18 *information. It is the intent of the Legislature to*
19 *guarantee that physicians and surgeons can*
20 *communicate freely with, and act as advocates for their*
21 *patients.*

22 *(b) Health care service plans and their contracting*
23 *entities shall not include provisions in their contracts that*
24 *interfere with physician and surgeon's ability to*
25 *communicate with patients regarding their health care,*
26 *including, but not necessarily limited to, communications*
27 *regarding treatment options, alternative plans, or other*
28 *coverage arrangements. Nothing in this section shall*
29 *preclude contract provisions that restrict*
30 *communications that are for the sole purpose of securing*
31 *financial gain for the physician and surgeon.*

1 (c) Any contractual provision that attempts to
2 interfere with a physician and surgeon's ability to
3 communicate information to his or her patient in
4 violation of this section is against public policy and shall
5 be void and unenforceable.

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